

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

GREGORY RUTH,)
)
)
Plaintiff,)
)
)
vs.) **CASE NO: 3:06-CV-1137-WKW-TFM**
)
)
THE CADLE COMPANY)
)
)
Defendant.)

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT

Comes now the Plaintiff in the above-styled matter by and through undersigned counsel of record and pursuant to the Federal Rules of Civil Procedure requires Defendant in the time allowed by law, to answer under oath the following admissions:

1. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. Sect. 1692a(3).
2. The debt the Defendant sought to collect from plaintiff is a "debt" as is defined at 15 U.S.C. Sect. 1692a(5).
3. Defendant is engaged in the collection of debts from consumers using the mail and telephone and you regularly attempt to collect consumer debts alleged to be due another.
4. Defendant is a "debt collector" as that term is defined by the Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692a(6).
5. The Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692 et seq., applied to the collection of the debt the Defendant sought to collect from plaintiff.
6. The underlying alleged debt of Plaintiff was incurred for personal, family, or household purposes as it was used to secure the purchase of a manufactured home as the residence of Plaintiff.
7. Prior to the filing of the civil action in state court against Gregory Ruth, employees of the Defendant mailed at least one letter to the Plaintiff that threatened a lawsuit against him in an attempt to collect the underlying debt.
8. The filing of a time-barred civil action on a debt past its statute of limitations violates the Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692 et seq. as amended.

9. The threat of filing civil litigation against a consumer to collect a debt when the debt is time-barred is a violation of the Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692 et seq. as amended.

10. Defendant has reported negative credit information to a Credit Reporting Agency on Mr. Ruth as part of the Defendant's attempts to collect the underlying debt in the state court action Defendant filed.

11. Defendant has not corrected erroneous information it provided to a Credit Reporting Agency on Mr. Ruth, plaintiff herein.

12. By correspondence dated December 15, 1986 to Gregory Ruth, the original creditor, Home Owners Funding Corp. of America accelerated the full amount of the debt owed by Gregory Ruth, repossessed the home and sold the repossessed collateral thereafter. .

13. In Case 2060287, Styled "The Cadle Company v Gregory Ruth", the Alabama Court of Civil Appeals ruled in favor of Gregory Ruth and against The Cadle Company, and affirmed without opinion, the order of the Circuit Court of Russell County (CV-05-516) that granted summary judgment in favor of Gregory Ruth and dismissing the case filed against Gregory Ruth as the collection action was time-barred under the applicable 6 year statute of limitations.

14. The Cadle Company is qualified to do business in the State of Alabama.

15. The Cadle Company has provided annual tax reporting information to the State of Alabama for its activities therein.

16. The Cadle Company does not maintain any written policy and procedure on determination of the Statute of Limitations of a debt before filing a civil action to collect a debt.

17. The Cadle Company has been found to have filed time-barred civil actions in Alabama in the collection of debts that violated the Fair Debt Collection Practices Act.

18. The Cadle Company through its employees and agents continues to file time-barred civil actions in the United States that violate the Fair Debt Collection Practices Act.

This Request shall be deemed continuing so as to require further and supplemental production if defendant obtains additional documents required to be produced between the time of the initial production and the time of trial.

Respectfully Submitted,

/s/ Gerald A. Templeton
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August 2007, I served by Electronic Transmission and via First-Class mail, postage prepaid, a true and correct copy of the foregoing document to the following parties:

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/s/ Gerald A. Templeton
OF COUNSEL